



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN STREET  
CHICAGO, IL 60604

MAY 20 1992

205233  
REPLY TO THE ATTENTION OF  
CS-3T

Mr. Andrew Perellis  
Coffield Ungaretti & Harris  
3500 Three First National Plaza  
Chicago, IL 60602

Dear Mr. Perellis:

Thank you for your letter of May 1, 1992. We appreciate the interest of the ACS Steering Committee in assisting U.S. EPA in its evaluation of the various alternatives in remediating the American Chemical Service Superfund Site in Griffith, Indiana. U.S. EPA is currently reviewing the various alternatives and anticipates releasing a proposed plan for Site remediation to the public in June. A public comment period of at least 30 days will follow the release of this plan before a final remedy decision is reached.

As you are aware, the ACS Steering Committee has already requested a private meeting with EPA to discuss remedy issues. Attached to your May 1 letter is a memorandum of the Steering Committee's contractor detailing an April 2 meeting between EPA's Project Manager and oversight contractor and representatives of the Steering Committee. Remedy issues were discussed at that time.

Your May 1 letter and our prior telephone conversation request an additional meeting to discuss remedy issues, enforcement issues, and the opportunity to assess potential public reaction to various remedial alternatives. Your letter also suggests that while the Steering Committee wishes to cooperate with EPA, it will be "extremely difficult to have a PRP group coalesce to undertake the required remedy" if the remedy selected by EPA, after consideration of public comments, is not the remedy preferred by the committee.

We do not consider additional meetings with the steering committee to be productive at this time. While EPA hopes the Steering Committee chooses to cooperate with the Agency in the implementation of the remedy selected for the Site, EPA's selection of the appropriate remedy will be based on factors contained in the National Contingency Plan (NCP). The remedy selected for the ACS Site will be protective of human health and

the environment and comply with the nine criteria the NCP requires EPA to consider in selecting a remedy. These criteria are found at 40 CFR § 300.430 (e)(9)(iii) and require, as an initial threshold, that the remedy is protective of human health and the environment. While EPA hopes to enter into good faith negotiations in implementing the selected remedy, it is inappropriate to negotiate what the actual remedy should be.

In your previous comments to me you have indicated that the public may object to certain remedial alternatives and you wish to further discuss these objections. We feel it is more effective to learn of the community's concerns directly. We are presently implementing a community relations plan designed to inform the community of Site activities and notify the public of the public comment period so we may receive comments directly. In addition, you wish to discuss other issues, such as notification of post 1975 customers of ACS of Site activities. We have already discussed this issue in person and on the phone.

Your letter, as well as information provided by your committee at the April 2 meeting, will be fully considered by EPA during the remedy selection process. The comments regarding the remedy contained in your May 1 letter will be placed in the administrative record and available for public review during the public comment period.

Please call me at (312) 353-1129 with any additional questions or comments you may have.

Sincerely,

Steven Siegel  
Assistant Regional Counsel

bcc: ✓Wayde Hartwick  
Steve Mason  
Rodger Field